UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IN RE:
FIDENCIO CHAPA JR
DEBTOR

CHAPTER 13 PROCEEDING:
16-70409-M-13

MOTION TO DISMISS OR CONVERT

A HEARING WILL BE CONDUCTED ON THIS MATTER ON **December 14, 2016** AT **9:00 am** IN U.S. BANKRUPTCY COURT LOCATED AT:

US Federal Courthouse, 1701 W. Business Highway 83, Bentsen Tower, 10th floor, McAllen, TX 78501

IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY ONE DAYS (21) AS FOLLOWS: 1. FILE A RESPONSE WITHIN TWENTY ONE DAYS THAT SHOWS THAT THE ABOVE-CITED DEFICIENCY HAS BEEN CURED, OR 2. FILE A RESPONSE WITHIN TWENTY ONE (21) DAYS THAT SHOWS THAT THE COURT SHOULD ALLOW YOU ADDITIONAL TIME TO CURE THE ABOVE-CITED DEFICIENCY. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND DISMISS OR CONVERT YOUR CASE. IF THE DEFICIENCY IS FOR FAILURE TO FILE TAX RETURNS AND THE CASE IS DISMISSED, YOU WILL NOT BE ALLOWED TO FILE ANOTHER BANKRUPTCY CASE UNTIL ALL OF YOUR RETURNS ARE FILED. IF YOU ARE PROPOSING TO MODIFY THE PLAN TO CURE DEFICIENCIES, YOU MUST MAKE A PLAN PAYMENT IN THE NEW AMOUNT BEFORE THE HEARING OR YOUR CASE MAY BE DISMISSED.

COMES NOW Cindy Boudloche, Trustee, and moves the Court for an Order dismissing the Debtor's case as follows:

1. One or both of the Debtors has not verified his/her photo identification and/or social security number to the Trustee's office.

2. Debtor has caused unreasonable delay that is prejudicial to creditors (11 U.S.C. Sec 1307 (c)(1)) and specifically, Debtor has failed to:

a) Timely file necessary amendments to his/her Chapter 13 Plan, schedules or statement of Financial Affairs as follows:

- Chapter 13 Plan;
- Schedule B;
- Schedule F;

b) Provide the Trustee with a business budget, monthly operating reports and/or Sworn Testimony relative to the operation of the Debtor's business;

WHEREFORE the Trustee prays that the case be dismissed or converted to Chapter 7, whichever shall be determined in the best interest of creditors.

Dated: November 9, 2016

Respectfully Submitted:
/s/ Cindy Boudloche

CINDY BOUDLOCHE, Trustee
555 N. Carancahua Ste 600
Corpus Christi, TX 78401-0823
(361) 883-5786 phone
(361) 888-4126 fax

CERTIFICATE OF SERVICE

I Certify that on or about November 9, 2016, a copy of the foregoing pleading was served electronically on all parties requesting electronic notice or by United States Mail to the Debtor, Debtor's Counsel and all parties listed below:

/s/ Cindy Boudloche
Cindy Boudloche, Trustee

FIDENCIO CHAPA JR
PO BOX 804
SULLIVAN CITY, TX 78595

CATHERINE CURTIS
5414 N 10TH ST
MCALLEN, TX 78504

CASE NO: 16-70409-M-13 FIDENCIO CHAPA JR

Parties Requesting 2002 Notice

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